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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	77622947
Applicant	theDot Communications Network LLC
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**IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Mark: .music

Applicant: theDot Communications Network LLC

Serial Nos.: 77/622,944; 77/622,945; 77/622,947; 77/622,948

Filing Date: Nov. 26, 2008

**APPLICANT'S CONSOLIDATED REPLY BRIEF**

**TABLE OF CONTENTS**

**INTRODUCTION**

Applicant hereby replies to the Examining Attorney's Appeal Brief, filed August 25, 2010. Applicant originally filed four Appeal Briefs, on with respect to each application, pointing out the different prior registrations in each Class which supported that application. The Examining Attorney has consolidated his Brief, and Applicant has consolidated this Reply Brief. However, each application must be judged on its own merit, with respect to the specific goods or services described therein.

**I. *“.music” is not a ‘significant feature’ of Applicant’s goods or services, and does not merely describe any of them.***

The .music trademark generally may suggest an online community interested in music, as is envisioned by Applicant. But .music does not describe a significant feature of any of the goods or services listed in the four applications at issue. If information about the product or service given by a term used as a mark is indirect or vague, then this indicates that the term is being used in a suggestive, not descriptive, manner. In other words, if the applied for mark

“clearly does not tell the potential consumer only what the goods are, then the mark is not ‘merely descriptive.’” 2 McCarthy § 11:51, 4<sup>th</sup> ed. (*citing In re Colonial Stores, Inc.*, 394 F.2d 549 (CCPA 1968)).

The Examining Attorney repeats essentially the same mantra as to each of the four applications, for example -- re Class 42 “the applicant’s services are broad enough to include services that feature music and music-related content,” and re Class 9 “the applicant is providing goods ... broad enough to include goods that feature music or information about music.” But the Examining Attorney has never cited any authority for this test, nor for his implicit argument that the dictionary definition of the word ‘music’ somehow precludes its registration for virtually any goods or services whatsoever.

To the contrary, music does not describe online web hosting or social networking services in Class 42, online publishing, production or information services in class 41, retail store online advertising services in Class 35, or audio books, news broadcasts or performing arts recordings in Class 9. Applicant has cited many prior examples of analogous marks registered, for good reason, for analogous goods and services. The Examining Attorney does not refute the bulk of this evidence, but only argues that the Applicant’s goods and services may somehow be used in connection with one of many definitions or common uses of music, and thus .music is merely descriptive of all of those goods and services.

If the Board were to accept this argument, there would be far fewer trademark registrations, as virtually all suggestive marks would be barred by definition. Indeed many seemingly arbitrary marks would be barred as well, such

as AMAZON registered for book selling services, since obviously those books may contain content related to the Amazon River, people of that region, or any number of other ‘Amazon-related’ topics. But of course this is not the rule. In addition to common sense, ample PTO precedents exist to refute this proposition, including several for the word MUSIC.

A. The word ‘MUSIC’ has been registered for hearing aids, and also for services analogous to those of Applicant.

The Board may take judicial notice of prior PTO registrations of the word MUSIC, alone, for hearing aids, which obviously also are used to hear music. (Reg. No. 2099478.) It is also registered for marketing services analogous to some of the services claimed in Applicant’s Class 35 application. (Reg. no. 3708438 for “Development of marketing strategies and concepts, marketing analysis, and marketing plan development for others focusing on intra-company and inter-company relationship networks.”.) Likewise there is a recent registration for MUSIC, with a slight design element but no disclaimer, for “Scientific and medical research, namely clinical research.” The services described in both those applications clearly could “include such services in the field of music” and thus run afoul of the standard relied upon by the Examining Attorney. (Arbitrarily, MUSIC also has been registered for missile defense systems and cologne!) Evidence of these registrations is attached as Exhibit A.

B. dotMusic was allowed registration in 2003 for similar services,  
indicating distinctiveness of Applicant's mark.

The Examining Attorney ignores the evidence that the legally equivalent mark dotMusic was both registered (as dotMusic.com with design elements) and allowed registration (dotmusic word mark) by the PTO, in 2003. See Exhibit B. It also was used in connection with a popular internet business for several years, for many of the same services that Applicant seeks registration for now. ROA, Exhibit C.

Prior registration of the same mark for similar services is a very strong indication of distinctiveness. For example the Ninth Circuit recently held that VERICHECK is not merely descriptive of check verification services, and gave great weight to the PTO's prior registration of the same mark to a different party for analogous services. *Lahoti v. Verichack*, 586 F. 3d 1190, 1199-1200 (9<sup>th</sup> Cir. 2009):

There can be no serious dispute with the principle that a federal trademark registration of a particular mark supports the distinctiveness of that mark, because the PTO should not otherwise give it protection. Registration alone may be sufficient in an appropriate case to satisfy a determination of distinctiveness. See 15 U.S.C. § 1115(a) (stating that PTO registration is "prima facie evidence of the validity of the registered mark"); *Retail Servs., Inc. v. Freebies Publ'g*, 364 F.3d 535, 542 (4th Cir.2004) ("[T]he fact that a mark is registered is strong evidence that the mark satisfies the statutory requirements for the distinctiveness necessary for trademark protection."). ... In particular, we agree with the Fourth Circuit that nearly identical marks used for similar products may be viewed in a common light when the PTO has found one of them to be suggestive. (*citing, U.S. Search, LLC v. U.S. Search.com Inc.*, 300 F.3d 517, 524 (4th Cir.2002)).

See also, e.g., *Borinquen Biscuit Corp. v. M.V. Trading Corp.*, 443 F.3d 112, 119-20 (1st Cir. 2006) (holding that "the PTO's acceptance of these other marks

[containing 'rica'] for registration supports the idea that 'rica' can be an inherently distinctive term" -- even with respect to goods and/or services relating to Puerto Rico); 2 McCarthy on Trademarks § 11:69 ("The fact that the [PTO] registered a number of marks containing the same designation without requiring proof of secondary meaning is some evidence that the PTO considers the designation not descriptive.").

C. Many other prior registrations support Applicant's argument.

The Examining Attorney disregards the weight of Applicant's evidence of prior registrations not only of dotMusic, but of many other 'dot-formative' marks for goods and services highly related to those described in Applicant's applications. He ignores the prior registrations for dotvideo, dot-films, dotblog, dotradio, dotam and dotfm, among many others. Applicant specifically set forth evidence of nearly forty prior registrations of this ilk, across all four classes of goods and services described in these applications. References to these records, from the four separate Appeal Briefs, are restated for the Board's convenience in the Appendix to this consolidated Reply Brief.

The Examining Attorney takes the untenable position that the *In re Hotels.com* decision of the Federal Circuit somehow eviscerates the reasoning behind allowance of all of those marks. But the *Hotels.com* case is inapposite to this case. Seen in the light of *In re SteelBuilding.com*, it cannot be relied upon for the premise asserted by the Examining Attorney, namely "the applicant's mark also identifies a top-level domain name extension and, thus, it has no source identifying significance in the minds of consumers. A TLD in the applied-

for mark indicates an Internet address and, in general, adds no source-identifying significance.”

The *Hotels.com* decision, with respect to top-level domain names, held only that ‘.com’ adds no distinctiveness to ‘hotels,’ and thus hotels.com is generic. The *SteelBuilding.com* case held similarly,<sup>1</sup> but the Federal Circuit criticized the Board for considering STEELBUILDING and .COM separately, holding that:

The addition of the TLD indicator expanded the meaning of the mark to include goods and services beyond the mere sale of steel buildings. Specifically, the TLD expanded the mark to include internet services that include ‘building’ or designing steel structures on the web site and then calculating an appropriate price before ordering the unique structure. 415 F.3d, 1293, 1299, 75 USPQ2d 1420, 1423 (Fed. Cir. 2005).

Thus the Federal Circuit cautioned that a term that is not distinctive by itself may acquire some additional meaning, even from the addition of a truly generic TLD such as .com. *Id.* at 1422 (“Because the evaluation of a mark proposed for registration requires consideration of the mark as a whole, the distinctiveness derived from a connection to the Internet, as indicated by the TLD indicator, is a part of the calculus for registration.”)

There is a huge substantive difference between second-level, generic or merely descriptive “.com” domain names like hotels.com or steelbuilding.com, on the one hand, and top-level domain names on the other hand. Second-level names, by definition, are replicated across the TLD space. So someone else may own hotels.net, hotels.travel, hotels.co or hotels.cm. But by definition top-

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<sup>1</sup> The *In re Steelbuilding.com* decision held that mark merely descriptive. Applicant’s counsel acknowledges and apologizes for an error in the Appeal Briefs, where the case is parenthetically noted to have a contrary holding on that issue.

level domains are unique identifiers of the source not only of domain registration services, but also of all of the ancillary services that domain name registry operators could offer.

*D. The ‘dot’ in Applicant’s mark is a suggestive element.*

This is consistent with Applicant’s argument that the ‘dot’ in .music is not ‘merely a punctuation mark’ as argued by the Examining Attorney. The Examining Attorney accepts that ‘dot’ and ‘.’ are legally equivalent for purposes of this dispute, as he must. Yet he still argues that the dot is merely a punctuation mark. This is facially illogical, and fails to give the dot the credit it is due as a suggestive feature of many marks used and registered in connection with online services.

The existence of so many ‘dot-formative’ trademark registrations indicates that businesses and consumers understand the ‘dot’ to suggest online services. Moreover, the ‘dot’ in the unitary .music mark is at least a “quadruple entendre” with respect to Applicant and its goods and services, further proving its lack of descriptiveness. Indeed the Examining Attorney does not attempt to refute the Applicant’s argument on that point. Thus .music may suggest online goods and services related to music, but it is also arbitrary with respect to most of those listed in the subject applications, and in no way describes the nature or any significant feature of any of them.



E. Applicant's mark does not merely identify a TLD extension; yet to the extent it does so, it still is entitled to registration.

The Examining Attorney falsely assumes that “the applicant’s mark is also descriptive because it merely identifies a top-level domain name extension where the applicant’s goods and services are to be provided to consumers.” He bases this assertion solely upon one website (music.us) whose operators purportedly intend to apply for a top-level domain name registry from ICANN. He still appears to assume that website is related to Applicant. Yet the Applicant indisputably refuted these assumptions via Declaration in response to the initial Office Action. In fact, Applicant is entirely unrelated to the website and content relied upon by the Examining Attorney, and had nothing whatsoever to do with the creation of the music.us website or their apparent “dotMusic” initiative. ROA, Baldridge Declaration, para. 1. That single .us website cannot be relied upon as an indicator of consumer understanding of the .music mark, as it is intended to be used by Applicant. Applicant’s express intentions for the mark as described in the application are true, and must be assumed as such.

Following that continuing factual error, the Examining Attorney reasserts that “a TLD, in general, has no source-identifying significance.” This may be true as to “.com” when added to generic or merely descriptive terms at the second level of the DNS, per authority of *In re Hotels.com* and *In re Steelbuilding.com*. But it is not true with respect to any top-level domain names, many of which have already been registered on the Principal Register, including ICANN-accredited TLDs such as dotam, dotfm, .org, .travel, .tel, .biz, .aero, and dotCoop. Nor is it

true with respect to many more non-accredited, yet publicly proposed and/or operated TLD strings such as .learn, dotRadio, dotGreen, dotblog or .music.

The Examining Attorney cannot rightfully claim that one inapposite holding of the Federal Circuit, respecting the .com TLD, can eviscerate ten years of prior PTO practice, fairly consistently registering other TLD strings. Indeed, the PTO must respect and protect rights in “dot-formative” trademarks, just as it has done for a decade. This is particularly true where the goods and services described in the applications have nothing to do with domain name registration services, like Applicant’s four applications at issue here. The Applicant has cited nearly 40 various records of this ilk in its four Appeal Briefs, restated in the Appendix. The Examining Attorney fails to distinguish these applications from any of those.

*F. Top-Level Domain strings are trademarks of their owners.*

Applicant further has presented unrefuted and indisputable argument and evidence that TLD strings do, in fact, function as trademarks of their owners, i.e. as indicators of source – not only for domain registration services but also in connection with a wide variety of other services. Indeed TLDs are each unique and effectively perpetually granted, as argued and evidenced in the ROA, pages 18-19 and Exhibits F-I.

Existing gTLD registry operators consider their TLD string as their trademark, and have widely marketed them as such. Exhibit F shows several typical provisions in gTLD registry legal agreements, each clearly asserting the TLD operator’s claim to trademark rights in the TLD name itself. Exhibit G shows

various registrar websites which market these TLD names to the public, by use of the TLD trademarks and ad copy provided by registries. Many TLD operators have also registered their TLD strings as marks. Exhibit H includes TARR records of many existing TLD trademark registrations and allowed applications, including the following:<sup>2</sup>

.LA	3510613
.ORG	3044328
.TEL	77415964
.TEL	3617902
.TEL	3617901
.TEL	2878200
.TRAVEL	3313153
DOT COOP	2767646
DOT VN	2966712
DOTAM	2641862
.BIZ	2746004
DOT TRAVEL	2924877
DOTFM	2603972
.NU DOMAIN	2724674
.NUDOMAIN	2922456

All of these include domain registration services, and many include a much broader variety of services. DotAM and DotFM, in particular, are very close to .MUSIC insofar as they have suggestive “musical” connotations.

Moreover, consumers looking for domain names are accustomed to seeing many different TLD trademarks presented to them, side by side, such that they must distinguish between the various domain registry options. And furthermore, they are generally presented with a wide array of other services,

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<sup>2</sup> Some of these records refer to marks with design elements, which do nothing to help distinguish one TLD from another, since users obviously care about the precise letters and significance of the TLD string and the services offered by the TLD operator – much more than the logos used by the TLD operator.

unrelated to mere domain registration. Exhibit G shows the domain registration pages of several typical domain registrars, including various advertisements and text links to the various TLDs which are resold by these registrars, and the ancillary services that the registrars offer.

There are already hundreds of TLDs accredited by ICANN, with hundreds more expected in the next few years, and before long thousands of TLDs expected to be added to the root DNS. The USPTO must continue to recognize the strong interest of domain name registries to protect their marks, not only for domain registration services but also for the myriad other services that domain name registry operators may offer. *Accord, e.g., Namespace Inc. v. Network Solutions Inc.*, 202 F.3d 573, 586 (2d Cir. 2000):

The Internet in general, and the DNS in particular, is marked by extraordinary plasticity. The DNS has already undergone considerable change in the Internet's brief history to date, and may undergo even more radical changes in the near future under the auspices of ICANN and DNSO. There is nothing inherent in the architecture of the Internet that prevents new gTLDs from constituting expressive speech. How broad the permissible bandwidth of expression is in this context depends on the future direction of the DNS.

Registration of these trademark rights, as with all trademark registrations, further benefit the public at large. In particular registry operators are provided with additional tools to combat online deception and fraud which is increasingly widespread, and increasingly targets the DNS and its operators.

## **II. Conclusion.**

To the extent there is any doubt about the issue on appeal, it must be resolved in favor of the Applicant. For all of the foregoing reasons, Applicant

respectfully requests that the Board direct the Examining Attorney to approve the four subject applications for publication.

Respectfully submitted,

September 14, 2010

By:       /s/ *Mike Rodenbaugh*        
Counsel for Applicant,  
California bar member

## **APPENDIX TO REPLY BRIEF**

**Note: This Appendix simply references the TARR records regarding “dot-formative” marks as described in the Applicant’s four Appeal Briefs, as they were different in each brief and with respect to each application. However the Examining Attorney’s Statement and the Reply Brief have been consolidated with respect to all four applications and briefs. So Applicant provides this Appendix for ease of reference by the Board.**

Applicant has argued that the Examining Attorney's position is not in accord with USPTO practice with respect to many similar existing registrations and pending applications, such as dotradio, .poker, .movie, .kids, .golf, .home, .casino, .buy, .books and .baby. (TARR records attached as Exhibit A to Request for Reconsideration.) At the time of the final refusal, each of these applications recently had been examined and approved by their Examining Attorneys. None were subject to any initial or final refusal based upon descriptiveness.

Additionally, Applicant pointed out twenty different “dot”-formative marks allowed and/or registered in Class 42, and provided TARR screenshots as Exhibit B to the Request for Reconsideration:

- “DOTCAL” was allowed in January, 2010 for “Providing temporary use of on-line non-downloadable computer software that enables calendar sharing and calendar-based marketing services among individuals and organizations” and “Providing internet based social networking services.”
- “.eco” registered in November, 2009 for “Design, creation, hosting and

maintenance of internet sites for third parties; Hosting of digital content on the Internet; Providing specific information as requested by customers via the Internet.”

- “DOTEARTH” registered in November, 2009 for “providing a web-site featuring environmental information about climate change, bio-diversity, conservation, and other information on protecting the environment; providing a web site featuring information about global warming and its effect on nature and the environment; providing technological and scientific information about environmentally-conscious and green innovations, products and services.”
- “DOTEARTH” also registered in 2003 for “maintain web sites for others; domain name registrations.”
- “DOTFAM” registered in March, 2009 for “Providing a website that features information on family computing; providing a website that features information on creating, designing and maintaining family websites.” Also in Class 45 for “Providing a website that features information on domain name registration for identification of users on a global computer network.” (Also “DOTFAMILY” in Class 45 for “Registration and transfer of domain names for identification of users on a global computer network.”)
- “.tel” was allowed for registration in November, 2009, and also registered in May, 2009 (similar mark and services) for:

Design, development upgrading and maintenance of computer software; computer programming; design, development, maintenance and updating of computer search engine software; computer systems analysis; research services in the fields of information technology and

communications technology; database integration and development; computer services, namely, providing search engines for obtaining data on a global computer network; providing a webs site that features information on computer information technology; consultation services in the field of computers, computer software, computer technology and information technology.

- “DotFortune” (design) was registered in November, 2009 for:

Application service provider, namely, providing, hosting, managing, developing, and maintaining applications, software, web sites, and databases in the fields of personal productivity, wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; Computer services, namely, designing and implementing web sites for others; Computer services, namely, providing a web-based system and online portal for customers to remotely manage, administer, modify and control their end user computer devices, data and software applications; Computer software design, computer programming, or maintenance of computer software; Creating, designing and maintaining web sites; Design for others in the field of software applications, websites and software management process through automated applications; Design, creation, hosting and maintenance of internet sites for third parties; Design, creation, hosting, maintenance of web sites for others; Providing technical information updates of industrial process control computer software via the global computer network.

- “dotvideo” was registered in 2008 for “Design, creation, hosting, maintenance of websites for others; Digital transfer services for transferring home videos and film to DVD and the internet; Hosting the web sites of others on a computer server for a global computer network.”
- “Dot Racing” registered in 2008 for “Application service provider featuring software for providing an online database in the field of storing, analyzing, translating comparing and displaying GPS data; hosting a website that allows others to provide personal information in the fields of fitness, exercise, GPS and mapping.”



- “DOTWORLDS” registered in 2008 for a wide array of services, including:  

... Designing websites for advertising purposes; Registration of domain names for identification of users on a global computer network; Registration of email addresses for identification of users on a global computer network; ... Application service provider (ASP), namely, hosting computer software applications of others; ... Computer services, namely, hosting on-line web facilities for others for organizing and conducting online meetings, gatherings, and interactive discussions; ... Computer services, namely, hosting and maintaining an online website for others to trade, advertise, promote or inform; Design, creation, hosting and maintenance of internet sites for third parties; Design, creation, hosting, maintenance of websites for others; ... Hosting of digital content on the Internet; Hosting the digital audio and video content of others for the purpose of enabling hotel, inn, and other lodging establishment guests to download the content on a pay per view basis; Hosting the web sites of others on a computer server for a global computer network; ... Computer services, namely, providing search engines for obtaining data on a global computer network; ... Document data transfer from one computer format to another...”
- “.travel” registered in 2007 for “Registration of sponsored domain names to serve the travel and tourism community on a global computer network.”
- "DotBlog" was allowed for publication in 2007 for "Providing specific information as requested by customers via the Internet."
- ".air" registered in 2006 for "Technical consultation and research, design, and testing of new products for others; technical consultation and assistance related to the design, manufacture, certification, operation, maintenance, repair, overhaul, or modification of aircraft and aircraft parts."
- “DOTMED” registered in 2006 for “Website development for others; website hosting; hosting the web sites of others on a computer server for a global computer network.” And “dotMed” registered in 2004 for “website developing; website hosting and server hosting.”

- “.org” registered in 2006 for “domain name registry services, namely, coordinating the registration of domain names for identification of users and internet protocol addresses on the Internet; providing an online computer database in the field of domain name registration information, and domain name monitoring services.”
- “dot-films” registered in 2005 for “web site design and development, namely, the design of software for the transfer and electronic dissemination of information and data, namely, text, images, and motion pictures.”
- “DOTPLANET” registered in 2005 for “Scientific and technological services, namely, scientific research, technological research in the field of computer and information sciences; design and development of computer hardware and software; registration of Internet domain names.”
- “.security” registered in 2003 for “Computer consultation services concerning the installation and use of computer software for vulnerability assessment and security management in computer networks.”
- “DOTCOOP” registered in 2003 for:  

Computer network address management services, namely enabling persons to reserve and use computer network addresses and to search, access, add, modify or delete information relating to computer network addresses; computer services, namely, domain name registration services for others on a global computer network; administering alternative dispute resolution services.
- “.nu domain” registered in 2003 for “Computer services, namely domain name registration services; hosting the web sites of others on a computer server for a

global computer network.”

- “DOTREGISTRAR” registered in 2001 for:  
  
computer network address management services, namely providing services enabling entities to reserve and secure computer network addresses and to access, add, modify, or delete information relating to their computer network addresses; computer services, namely providing search engines for obtaining data on a global computer network; hosting the web sites of others on a computer server for a global computer network.
- “.office” registered in 2001 for “Computer consulting services; application service provider, namely, hosting computer software applications of others; data warehousing; hosting the Internet web sites of others.”

Additionally, Applicant pointed out thirteen different “dot”-formative marks allowed and/or registered in Class 35, and provided TARR screenshots as Exhibit B to the Request for Reconsideration:

- “.home” registered in February, 2010 for “Residential real estate marketing and advertising services.”
- “.tel” (with slight design element) was allowed for registration in November, 2009 for “Services relating to the analysis, evaluation, creation and brand establishment of domain names.”
- “dotGreen” was allowed registration in 2009 for almost all services within Class 35, including:  
  
Arranging and conducting auctions in the field of Internet Domain Names; ...  
“Business process outsourcing services in the field of Internet Domain Names; ...  
Catalog ordering service featuring Internet Domain Names; ... Commercial administration of the licensing of Internet Domain Names of others; ...

Computerized on-line retail store services in the field of Internet Domain Names; ... Distributorship services in the field of Internet Domain Names; ... Operating an online shopping site in the field of Internet Domain Names."

- "dotFortune (logo)" was registered in November, 2009 for a wide variety of services in Class 35, including "Advertising, marketing and promotional Services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; ... Business management consultancy and advisory services; ... On-line business networking services; Promoting the goods and services of others by distributing advertising materials through a variety of methods."
- "dotvideo" was allowed for registration in 2007 for:  

Advertising and publicity services, namely, promoting the goods, services, brand identity and commercial information and news of third parties through print, audio, video, digital and on-line medium; Post-production editing services for video and audio commercials; Producing audio or video infomercials; Producing promotional videotapes, video discs, and audio visual recordings.
- "DOTMENU" registered in 2007 for "Providing an on-line website for the purpose of providing information to accept orders for restaurant and catered take-out food and delivery of such food."
- "dotloan.com" registered in 2007 for "Providing business marketing information to insurance, financial and mortgage companies pertaining to business information, namely, information regarding prospective customers and sales information via the Internet; ... and providing an online searchable directory of insurance, financial and mortgage information via the Internet."
- ".learn" was registered in 2006 for "Providing on-line registration services for digital distribution of downloadable educational computer software for use in teaching and learning in the fields of sciences, mathematics, engineering, business and economics, humanities, and the social sciences."

- ".web" was registered in 2006 for "Online retail store services featuring computer accessories."
- "dotMed" has been registered since 2004 for "services in the field of providing an on-line marketplace concerning equipments and services used in medical, dental and health care fields, namely directory listings, auctioning and bartering." And again DOTMED was registered in 2009 to the same party for even broader services.
- "dot-films" has been registered since 2004 for "consulting services in advertising, marketing, and promotion in the film, television, audio, electronic, on-line, and interactive media industries and; production of audio-visual promotional presentations for others."
- "DOTAM" and "DOTFM" have been registered since 2002 for "Information services, namely, providing online directories for locating computer network addresses, demographic information, organizations, individuals, addresses, and resources, accessible through a global computer network."
- ".Coop" has been registered since 2003 for "Computer services, namely maintaining a registry of computer network addresses."

Additionally, Applicant pointed out four different "dot"-formative marks allowed and/or registered in Class 41 alone, and provided TARR screenshots as Exhibit B to the Request for Reconsideration:

- "dotblog" was allowed for registration in 2007 for "On-line journals, namely, blogs featuring non-fiction and fiction diaries, commentary, poetry, photos, mini-essays, project updates, news and press releases; Electronic publishing services,

namely, publication of text and graphic works of others on-line, featuring weblogs, blog, blogs, bloggers and blogging; Multimedia publishing of books, magazines, journals, software, games, music, and electronic publications; Publishing of electronic publications; Publishing of reviews."

- ".map" was examined without any descriptiveness refusal in 2007 for "On-line publications" and "Computer services, namely, domain name registration services for others on a global computer network; ... domain name reservation, registration, maintenance and management services, namely, administering a top-level domain name whereby domain name registrars may register domain names, reserve blocks of domain names for future registration, maintain registered domain names and allow for renewal of registered domain names, manage domain names by facilitating the transfer and renewal of domain names."
- ".air" registered in 2006 for "Computer services, namely, providing online books, manuals, guides, forms, illustrations and technical data packages in the field of aircraft, aircraft parts and avionics; training in the use and operation of aircraft and aerospace products, parts and support equipment."
- ".security" registered in 2003 for "Educational and training services, namely, conducting classes, seminars, and related events concerning the installation and use of computer software for vulnerability assessment and security management in computer networks."

Additionally, Applicant pointed out two different “dot”-formative marks allowed and/or registered in Class 9, and provided TARR screenshots as Exhibit B to the Request for Reconsideration:

- “.security” was registered in Class 9 in 2003 for “Computer software for vulnerability assessment and security management in computer networks.”
- “.tel” was registered in Class 9 in 2009 for a wide variety of telecom-related goods, including:

telecommunications apparatus and instruments, namely telephones, cellular mobile telephones, radio telephones, satellite telephones, smart phones, video phones and handheld telecommunications equipment, namely, telephones, cellular mobile telephones, radio telephones, satellite telephones, smart phones, and videophones for producing sound, images or data; ... telecommunication transmission, receiving, and storage apparatus namely, computers, computer servers, web browsers and voice and data switching apparatus; telecommunications transmitting sets; ... downloadable electronic publications in the nature of global address books, telephone directories, fax directories, website directories, newsletters relating to telecommunications, instruction manuals, service manuals, configuration installation or set up manuals, and recovery manuals in the fields of telecommunications, computers and related electronics

# **EXHIBIT A**



Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2010-09-14 13:49:38 ET

Serial Number: 75185778 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2099478

Mark (words only): MUSIC

Standard Character claim: No

Current Status: [This registration has been renewed](#).

Date of Status: 2007-09-30

Filing Date: 1996-10-22

Transformed into a National Application: No

Registration Date: 1997-09-23

Register: [Principal](#)

Law Office Assigned: LAW OFFICE 105

Filing Date: 1996-10-22

Transformed into a National Application: No

Registration Date: 1997-09-23

Register: [Principal](#)

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 830 -Post Registration

Date In Location: 2007-09-30

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#### LAST APPLICANT(S)/OWNER(S) OF RECORD

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1. [Siemens Hearing Instruments, Inc.](#)

**Address:**

Siemens Hearing Instruments, Inc.  
10 Constitution Avenue  
Piscataway, NJ 08854  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

---

#### GOODS AND/OR SERVICES

---

**International Class:** 010

**Class Status:** Active

[hearing aids](#)

**Basis:** 1(a)

**First Use Date:** 1996-06-07

**First Use in Commerce Date:** 1996-06-07

---

#### ADDITIONAL INFORMATION

---

(NOT AVAILABLE)

---

#### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

#### PROSECUTION HISTORY

---

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-09-30 - First renewal 10 year

2007-09-30 - Section 8 (10-year) accepted/ Section 9 granted

2007-09-27 - Assigned To Paralegal

2007-09-17 - Combined Section 8 (10-year)/Section 9 filed

2007-09-17 - TEAS Section 8 & 9 Received

2007-02-27 - Case File In TICS

2006-08-30 - Review Of Correspondence Complete

2006-08-21 - PAPER RECEIVED

2003-05-23 - Section 8 (6-year) accepted & Section 15 acknowledged

2003-02-28 - Section 8 (6-year) and Section 15 Filed

2003-02-28 - PAPER RECEIVED

1997-09-23 - Registered - Principal Register

1997-07-01 - Published for opposition

1997-05-30 - Notice of publication

1997-05-02 - Approved for Pub - Principal Register (Initial exam)

1997-04-30 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Michele Conover, Esq.

**Correspondent**

Michele Conover, Esq.  
Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin NJ 08830  
Phone Number: (732) 321-3013

---

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2010-09-14 13:54:40 ET

Serial Number: 77717228 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3708438

Mark

MUSIC

(words only): [MUSIC](#)

Standard Character claim: [Yes](#)

MUSIC

(words only): [MUSIC](#)

Standard Character claim: [Yes](#)

Current Status: [Registered](#)

Date of Status: [2009-11-10](#)

Filing Date: [2009-04-20](#)

Transformed into a National Application: [No](#)

Registration Date: [2009-11-10](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 111](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: [650 -Publication And Issue Section](#)

Date In Location: [2009-11-10](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: [650 -Publication And Issue Section](#)

Date In Location: [2009-11-10](#)

---

#### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. [Grand Central Solutions](#)

**Address:**

[Grand Central Solutions](#)  
[5 Concourse Parkway, Suite 2875](#)  
[Atlanta, GA 30328](#)  
[United States](#)

**Legal Entity Type:** [Corporation](#)

**State or Country of Incorporation:** [Georgia](#)

**Phone Number:** [678-578-8000](#)

---

#### GOODS AND/OR SERVICES

---

**International Class:** [035](#)

**Class Status:** [Active](#)

[Development of marketing strategies and concepts, marketing analysis, and marketing plan development for others focusing on intra-company and inter-company relationship networks](#)

**Basis:** [1\(a\)](#)

**First Use Date:** [2009-02-00](#)

**First Use in Commerce Date:** [2009-02-00](#)

---

#### ADDITIONAL INFORMATION

---

(NOT AVAILABLE)

---

#### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

#### PROSECUTION HISTORY

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-11-10 - Registered - Principal Register

2009-08-25 - Published for opposition

2009-08-05 - Notice of publication

2009-07-21 - Law Office Publication Review Completed

2009-07-21 - Assigned To LIE

2009-07-13 - Approved for Pub - Principal Register (Initial exam)

2009-07-13 - Examiner's Amendment Entered

2009-07-13 - Notification Of Examiners Amendment E-Mailed

2009-07-13 - Examiners amendment e-mailed

2009-07-13 - Examiners Amendment -Written

2009-07-09 - Assigned To Examiner

2009-04-23 - New Application Office Supplied Data Entered In Tram

---

#### ATTORNEY/CORRESPONDENT INFORMATION

---

##### Attorney of Record

[Matthew T. Hoots](#)

##### Correspondent

[MATTHEW T. HOOTS](#)

[SMITH FROHWEIN TEMPEL GREENLEE BLAHA LLC](#)

[2 RAVINIA DR STE 700](#)

[ATLANTA, GA 30346-2105](#)

[Phone Number: 706-338-6087](#)

[Fax Number: 706-769-3748](#)

---

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2010-09-14 14:00:09 ET

Serial Number: 79032863 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3318804

Mark



(words only): MUSIC

Standard Character claim: No

Current Status: Registered.

Date of Status: 2007-10-23

Filing Date: 2006-10-26

Transformed into a National Application: No

Registration Date: 2007-10-23

Register: Principal

Law Office Assigned: LAW OFFICE 117

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-10-23

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-10-23

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#### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. [UCB PHARMA, S.A.](#)

---

#### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. [UCB PHARMA, S.A.](#)

Address:

[UCB PHARMA, S.A.](#)  
60, Allée de la Recherche B-1070 BRUXELLES  
Belgium

Legal Entity Type: [Unknown](#)

State or Country Where Organized: (NOT AVAILABLE)

---

#### GOODS AND/OR SERVICES

---

International Class: 042

Class Status: [Active](#)

Scientific and medical research, namely clinical research

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

---

#### ADDITIONAL INFORMATION

---

Color(s) Claimed: The color(s) vignetted of orange and green is/are claimed as a feature of the mark.

Description of Mark: The color green appears in the wording 'music'; the color green appears also in the part of the design representing a sign evoking the infinity symbol; the color orange appears in the part

of the design representing a crescent under the infinity sign.

**Design Search Code(s):**

**24.17.12** - [Infinity symbols](#)

---

**MADRID PROTOCOL INFORMATION**

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**International Registration Number:** 0908435

**International Registration Date:** 2006-10-26

**Priority Claimed:** [Yes](#)

**Date of Section 67 Priority Claim:** 2006-10-16

**International Registration Status:** [Request For Extension Of Protection Processed](#)

**Date of International Registration Status:** 2007-01-04

**International Registration Renewal Date:** 2016-10-26

**Notification of Designation Date:** 2007-01-04

**Date of Automatic Protection:** 2008-07-04

**Date International Registration Cancelled:** (DATE NOT AVAILABLE)

**First Refusal:** [Yes](#)

---

**PROSECUTION HISTORY**

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[2008-02-28 - Final Decision Transaction Processed By IB](#)

[2008-02-01 - Final Disposition Notice Sent To IB](#)

[2008-02-01 - Final Disposition Processed](#)

[2008-01-29 - Final Disposition Notice Created, To Be Sent To IB](#)

[2007-10-23 - Registered - Principal Register](#)

[2007-08-09 - Change Of Owner Received From IB](#)

[2007-08-07 - Published for opposition](#)

[2007-07-18 - Notice of publication](#)

[2007-07-05 - Law Office Publication Review Completed](#)

[2007-07-03 - Approved for Pub - Principal Register \(Initial exam\)](#)

[2007-06-28 - Amendment From Applicant Entered](#)

[2007-06-28 - Communication received from applicant](#)

[2007-06-28 - Assigned To LIE](#)

[2007-06-18 - PAPER RECEIVED](#)

[2007-03-29 - Refusal Processed By IB](#)

[2007-03-14 - Non-Final Action Mailed - Refusal Sent To IB](#)

[2007-03-14 - Refusal Processed By MPU](#)

[2007-03-14 - Non-Final Action \(Ib Refusal\) Prepared For Review](#)

[2007-03-13 - Non-Final Action Written](#)

[2007-03-07 - Assigned To Examiner](#)

[2007-01-05 - New Application Entered In Tram](#)

[2007-01-04 - Sn Assigned For Sect 66a Appl From IB](#)

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Correspondent**

UCB PHARMA, S.A.

60, Allée de la Recherche

B-1070 BRUXELLES, Belgium

---

This page was generated by the TARR system on 2010-09-14 13:58:50 ET

Serial Number: 78541888 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3200439

Mark

MUSIC

(words only): MUSIC

Standard Character claim: Yes

Current Status: [Registered](#)

Date of Status: 2007-01-23

Filing Date: 2005-01-04

Transformed into a National Application: No

Registration Date: 2007-01-23

Register: [Principal](#)

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-01-23

---

#### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. [ELOP ELECTRO-OPTICS INDUSTRIES LTD.](#)

**Address:**

ELOP ELECTRO-OPTICS INDUSTRIES LTD.

Kiryat Weizmann P.O. Box 1165

Rechovot 76111

Israel

Legal Entity Type: [Corporation](#)

State or Country of Incorporation: [Israel](#)

---

#### GOODS AND/OR SERVICES

---

International Class: 009

Class Status: [Active](#)

System for detection of and protection against missiles and parts and fittings therefor comprising infrared, ultra-violet and radar missile warning detectors indicating that a missile has been fired, laser generated jammers producing laser beams to counter fired missiles, forward-looking infrared (FLIR) thermal camera for acquisition and tracking of missiles, high speed armored turret enabling accurate tracking of missile seekers, and system processor hardware coordinating aforesaid parts

Basis: 44(e)

First Use Date: [\(DATE NOT AVAILABLE\)](#)

First Use in Commerce Date: [\(DATE NOT AVAILABLE\)](#)

---

#### ADDITIONAL INFORMATION

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Foreign Application Number: 174572

Foreign Registration Number: 174572

Foreign Registration Date: 2004-09-02

Country: [Israel](#)

Foreign Filing Date: 2004-09-02

Foreign Expiration Date: 2011-09-02

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#### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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## PROSECUTION HISTORY

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2007-01-23 - Registered - Principal Register

2006-12-09 - 1(B) Basis Deleted; Proceed To Registration

2006-11-27 - Notice Of Allowance Cancelled

2006-11-27 - PAPER RECEIVED

2006-11-07 - NOA Mailed - SOU Required From Applicant

2006-08-15 - Published for opposition

2006-07-26 - Notice of publication

2006-06-27 - Law Office Publication Review Completed

2006-05-19 - Assigned To LIE

2006-05-12 - Approved For Pub - Principal Register

2006-04-12 - Teas/Email Correspondence Entered

2006-04-07 - Communication received from applicant

2006-04-07 - TEAS Response to Office Action Received

2006-02-07 - NON-FINAL ACTION E-MAILED

2006-02-07 - Non-Final Action Written

2005-10-29 - Amendment From Applicant Entered

2005-10-19 - Communication received from applicant

2005-10-19 - PAPER RECEIVED

2005-08-04 - Non-final action e-mailed

2005-08-04 - Non-Final Action Written

2005-08-04 - Assigned To Examiner

2005-03-08 - Amendment From Applicant Entered

2005-02-15 - Communication received from applicant

2005-02-15 - PAPER RECEIVED

2005-01-14 - New Application Entered In Tram

## ATTORNEY/CORRESPONDENT INFORMATION

### Attorney of Record

Jonathan Hudis

### Correspondent

JONATHAN HUDIS  
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUST  
1940 DUKE STREET  
ALEXANDRIA, VA 22314  
Phone Number: 703-413-3000  
Fax Number: 703-413-2220

### Domestic Representative

Jonathan Hudis  
Phone Number: 703-413-3000  
Fax Number: 703-413-2220



Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2010-09-14 13:57:19 ET

Serial Number: 72391804 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 947360

Mark (words only): MUSIC

Standard Character claim: No

Current Status: This registration was not renewed and is considered to be expired.

Date of Status: 1993-08-23

Filing Date: 1971-05-12

Transformed into a National Application: No

Registration Date: 1972-11-14

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 900 -File Repository (Franconia)

Date In Location: 1993-06-28

---

#### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. [FABERGE, INCORPORATED](#)

Address:  
[FABERGE, INCORPORATED](#)  
[1345 AVENUE OF THE AMERICAS](#)  
[NEW YORK, NY 10019](#)  
[United States](#)  
Legal Entity Type: Corporation  
State or Country of Incorporation: [Minnesota](#)

---

#### GOODS AND/OR SERVICES

---

U.S. Class: [051 \(International Class 003\)](#)  
Class Status: Expired  
[COLOGNE](#)  
Basis: [1\(a\)](#)  
First Use Date: [1971-04-05](#)  
First Use in Commerce Date: [1971-04-05](#)

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#### ADDITIONAL INFORMATION

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(NOT AVAILABLE)

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#### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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#### PROSECUTION HISTORY

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NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[1993-08-23 - Expired Section 9](#)

---

#### ATTORNEY/CORRESPONDENT INFORMATION

---

Correspondent

---

## **EXHIBIT B**

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2010-09-14 18:20:02 ET

Serial Number: 76162974 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark (words only): DOTMUSIC

Standard Character claim: No

Current Status: Abandoned: No Statement of Use filed after Notice of Allowance was issued.

Date of Status: 2004-05-26

Filing Date: 2000-11-09

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 110

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-07-22

---

#### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. [BRITISH TELECOMMUNICATIONS PLC](#)

**Address:**

[BRITISH TELECOMMUNICATIONS PLC](#)  
[81 NEWGATE STREET](#)  
[LONDON EC1A 7AJ](#)  
[United Kingdom](#)

**Legal Entity Type:** [PUBLIC LIMITED COMPANY](#)  
**State or Country Where Organized:** [United Kingdom](#)

[LONDON EC1A 7AJ](#)  
[United Kingdom](#)

**Legal Entity Type:** [PUBLIC LIMITED COMPANY](#)  
**State or Country Where Organized:** [United Kingdom](#)

---

#### GOODS AND/OR SERVICES

---

**International Class:** [009](#)

**Class Status:** [Active](#)

[Downloadable electronic publication in the nature of a magazine in the field of music and entertainment; downloadable musical sound recording](#)

**Basis:** [1\(b\)](#)

**First Use Date:** [\(DATE NOT AVAILABLE\)](#)

**First Use in Commerce Date:** [\(DATE NOT AVAILABLE\)](#)

**International Class:** [016](#)

**Class Status:** [Active](#)

[Printed matter, namely magazines in the field of music and entertainment](#)

**Basis:** [1\(b\)](#)

**First Use Date:** [\(DATE NOT AVAILABLE\)](#)

**First Use in Commerce Date:** [\(DATE NOT AVAILABLE\)](#)

**International Class:** [035](#)

**Class Status:** [Active](#)

[Advertising services, namely, promoting the goods and services of others by preparing and placing advertisements on web sites](#)

**Basis:** [1\(b\)](#)

**First Use Date:** [\(DATE NOT AVAILABLE\)](#)

**First Use in Commerce Date:** [\(DATE NOT AVAILABLE\)](#)

**International Class:** [039](#)

**Class Status:** [Active](#)

[Travel agency services, namely, making reservation and bookings for transportation and arranging travel tours](#)

**Basis:** [1\(b\)](#)

**First Use Date:** [\(DATE NOT AVAILABLE\)](#)

**First Use in Commerce Date:** [\(DATE NOT AVAILABLE\)](#)

First Use in Commerce Date: (DATE NOT AVAILABLE)

**International Class:** 041

**Class Status:** Active

Providing information in the fields of music and entertainment namely, news, interviews, music-ranking charts, discographies, biographies and reviews relating to musical recordings, musical performances, motion pictures, performers and recording artists; entertainment services, namely, providing a website featuring musical performances, prerecorded music, musical videos, related film clips, photographs, on-line reviews, commentary and articles about music and other multi-media materials; theatrical booking agency services for tickets to cinemas, theaters, shows and concerts

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

---

#### ADDITIONAL INFORMATION

---

(NOT AVAILABLE)

---

#### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

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#### PROSECUTION HISTORY

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2004-07-21 - Abandonment - No use statement filed

2004-06-03 - Case File In TICRS

2004-06-03 - Case File In TICRS

2004-06-03 - Case File In TICRS

2003-11-25 - NOA Mailed - SOU Required From Applicant

2003-09-02 - Published for opposition

2003-08-13 - Notice of publication

2003-06-27 - Approved For Pub - Principal Register

2003-06-12 - Examiner's amendment mailed

2003-03-24 - Non-final action mailed

2003-01-27 - Communication received from applicant

2002-11-04 - Final refusal mailed

2002-08-12 - Communication received from applicant

2002-05-22 - PAPER RECEIVED

2002-08-14 - Communication received from applicant

2002-08-14 - PAPER RECEIVED

2002-02-11 - Non-final action mailed

2002-02-11 - Assigned To Examiner

2001-10-11 - Communication received from applicant

2001-04-24 - Non-final action mailed

2001-04-20 - Assigned To Examiner

---

#### ATTORNEY/CORRESPONDENT INFORMATION

---

**Attorney of Record**

Nancy C. DiConza

**Correspondent**

NANCY C. DICONZA

FROSS ZELNICK LEBRMAN & ZISSU, P.C.

866 UNITED NATIONS PLAZA

NEW YORK NY 10017

**Domestic Representative**

Reed Smith LLP



Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2010-09-14 20:05:30 ET

Serial Number: 76164962 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark



(words only): [DOTMUSIC.COM](#)

Standard Character claim: No

Current Status: [Abandoned: Applicant's express request.](#)

Date of Status: [2005-08-23](#)

Filing Date: [2000-11-14](#)

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 101](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: [L1X -TMEG Law Office 101 - Examining Attorney Assigned](#)

Date In Location: [2005-05-16](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: [L1X -TMEG Law Office 101 - Examining Attorney Assigned](#)

Date In Location: [2005-05-16](#)

---

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. [YAHOO! INC.](#)

---

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. [YAHOO! INC.](#)

Address:

[YAHOO! INC.](#)  
[701 FIRST AVENUE](#)  
[SUNNYVALE, CA 94089](#)  
[United States](#)

Legal Entity Type: [Corporation](#)

State or Country of Incorporation: [Delaware](#)

---

GOODS AND/OR SERVICES

International Class: [009](#)

Class Status: [Active](#)

[Downloadable electronic publication in the nature of a magazine in the field of music and entertainment; downloadable musical sound recording](#)

Basis: [1\(b\)](#)

First Use Date: [\(DATE NOT AVAILABLE\)](#)

First Use in Commerce Date: [\(DATE NOT AVAILABLE\)](#)

International Class: [016](#)

Class Status: [Active](#)

[Printed matter, namely magazines in the field of music and entertainment](#)

Basis: [1\(b\)](#)

First Use Date: [\(DATE NOT AVAILABLE\)](#)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**International Class:** 035

**Class Status:** Active

Advertising services, namely, promoting the goods and services of others by preparing and placing advertisements on web sites

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**International Class:** 039

**Class Status:** Active

Travel agency services, namely, making reservations and bookings for transportation and arranging travel tours

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**International Class:** 041

**Class Status:** Active

Providing information in the fields of music and entertainment; entertainment services, namely, providing a website featuring musical performances, prerecorded music, musical videos, related film clips, photographs, on-line reviews, commentary and articles about music and other multi-media materials; theatrical booking agency services for tickets to cinemas, theaters, shows and concerts

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

---

#### ADDITIONAL INFORMATION

##### Design Search Code(s):

26.01.08 - Circles having letters or numerals as a border; Circles having punctuation as a border; Letters, numerals or punctuation forming or bordering the perimeter of a circle

26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles

26.01.20 - Circles within a circle

---

#### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

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#### PROSECUTION HISTORY

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2005-08-23 - Abandonment Notice Mailed - Express Abandonment

2005-08-23 - Abandonment - Express mailed

2005-08-22 - TEAS Express Abandonment Received

2005-04-28 - Final refusal e-mailed

2005-04-28 - Final Refusal Written

2005-03-28 - LIE Checked Susp - To Atty For Action

2004-09-17 - Report Completed Suspension Check Case Still Suspended

2004-08-31 - TEAS Change Of Correspondence Received

2003-12-30 - Case File In TICSRS

2002-11-04 - Letter of suspension mailed

2002-08-12 - Communication received from applicant

2002-08-14 - Communication received from applicant

2002-08-14 - PAPER RECEIVED

2002-02-11 - Non-final action mailed

2002-02-11 - Assigned To Examiner

2001-10-11 - Communication received from applicant

2001-04-24 - Non-final action mailed

2001-04-23 - Assigned To Examiner

---

#### ATTORNEY/CORRESPONDENT INFORMATION

**Attorney of Record**

Nancy C. DiConza

**Correspondent**

Christie Baty Heinze

FINNEGAN HENDERSON FARABOW GARRETT &

901 NEW YORK AVE NW

WASHINGTON DC 20001-4413

Phone Number: 202-408-4000

Fax Number: 202-408-4400

**Domestic Representative**

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

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